IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

PETER RONALD LEO CHRISTIAAN KOYMANS ET AL. NL 010153
Confirmation No. 6966
Serial No. 10/087,974 Group Art Unit: 2151

Filed: MARCH 4, 2002 Examiner: DAFTUAR, S.K.

Title: SYSTEM WITH A SERVER FOR VERIFYING NEW COMPONENTS

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in connection with the present Appeal Brief to Deposit Account No. 50-3649.

Respectfully submitted,

By _____
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February 6, 2006

Enclosure: Appeal Brief
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By _____
Dicran Halajian

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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In re Application of	Atty. Docket
RONALD LEO CHRISTIAAN KOYMANS ET AL.	NL 010513
	Confirmation No. 6966
Serial No. 10/087,974	Group Art Unit: 2151
Filed: MARCH 4, 2002	Examiner: DAFTUAR, S.K.

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APPEAL BRIEF

Sir:

Appellants herewith respectfully present a Brief on Appeal as follows, having filed a Notice of Appeal on December 7, 2005:

02/09/2006 MAHMED1 00000010 10087974
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REAL PARTY IN INTEREST

The real party in interest in this appeal is the assignee of record Koninklijke Philips Electronics N.V., a corporation of The Netherlands having an office and a place of business at Groenewoudseweg 1, Eindhoven, Netherlands 5621 BA.

RELATED APPEALS AND INTERFERENCES

Appellants and the undersigned attorney are not aware of any other appeals or interferences which will directly affect or be directly affected by or having a bearing on the Board's decision in the pending appeal.

STATUS OF CLAIMS

Claims 1-14 are pending in this application. Claims 1-14 are rejected in the Final Office Action mailed September 26, 2005. Claims 1-14 are the subject of this appeal.

STATUS OF AMENDMENTS

Appellants filed an after final request for reconsideration of claims 1-14 in response to a Final Office Action dated September 26, 2005. No amendments to the claims were made in the request for reconsideration. This Appeal Brief is in response to the Final Office Action mailed September 26, 2005 that rejected Claims 1-14, which remain finally rejected in the Advisory Action mailed on November 28, 2005.

SUMMARY OF THE CLAIMED INVENTION

The present invention, for example, as claimed in independent Claims 1, 3-4 and 11, relates to a method and system of protecting the integrity of a computer system 10, where an embodiment is shown in FIGs 1-2 and described on page 6, line 29 to page 7, line 31. In particular, in response to loading a new system component 12 into the current system 10, information about the new system component 12 and a configuration of the current system 10 are sent to an acceptance server 18 via a remote communication network 16. The acceptance server 18 verifies, using the information, whether the configuration meets a criterion of interoperability, and sends an acceptance signal to the current system 10 via the remote communication network 16. Operations of the current system 10 including the new system component 12 are qualified dependent on the acceptance signal from the acceptance server 18.

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether Claims 1-14 of U.S. Patent Application Serial No. 10/087,974 are anticipated under 35 U.S.C. §102(e) by U.S. Patent No. 6,697,948 B1 (Rabin).

The Appellants respectfully request the Board to address the patentability of independent Claims 1, 3-4 and 11 and further Claims 2, 5-10 and 12-14, as depending thereon, based on the requirements of independent Claims 1, 3-4 and 11. This position is provided for the specific and stated purpose of simplifying the current issue on appeal. However, the Appellants herein specifically reserve the right to argue and address the patentability of each of the further claims at a later date should the separately patentable subject matter of those claims later become an issue. Accordingly, this limitation of the subject matter presented for appeal herein, specifically limited to discussions of the patentability of independent Claims 1, 3-4 and 11 is not intended as a waiver of Appellants' right to argue the patentability of the further claims and claim elements at that later time.

ARGUMENT

Claims 1-14 are said to be anticipated by Rabin.

Rabin

Rabin is directed to a method and apparatus for enabling owners and vendors of software products to protect property rights of their software. Rabin has nothing to do, and is not concerned with, interoperability of devices. Rather, the Rabin system interacts with a monitoring program running on the user's device to ensure that no unauthorized use takes place. As shown in steps 419 and 420 of FIG 13A, Rabin is concerned with punitive action if software is detected that infringes intellectual property rights.

In stark contrast, the present invention as recited in independent claim 1, and similarly recited in independent claims 3-4 and 11, requires "verifying with said acceptance server using said information whether the configuration **meets a criterion of interoperability**" (emphasis added).

In the "Response to Arguments" item 7, pages 10-11, of the Final Office Action, column 60, lines 30-42 of Rabin is cited. Page 11 of the Final Office Action characterizes this cited section

of Rabin as follows:

> Rabin also discloses verifying the hash function before updating the tag table and the supervising program takes punitive action if it fails. In this manner Rabin uses the current invention to detect ... [that the] device and software is ... [interoperable] and hence, maintains the criterion of interoperability.

Appellants respectfully disagree with the above characterization of column 60, lines 30-42 of Rabin. This cited section of Rabin simply does not teach or suggest, and is not even concerned with, meeting any **criterion of interoperability**, as recited in independent claims 1, 3-4 and 11. Rather, the cited section of Rabin is concerned with detecting "device or software **tampering**." (See column, 60, line 42, emphasis added)

It is respectfully submitted that tampering is not related to interoperability. A device or software can be tampered and still meet criterion of interoperability. Rabin is concerned with preventing tampering so as to prevent unauthorized us, such as copying a software program, or using an illegal copy of the software program. The intent of Rabin is to detect and prevent **tampering and piracy**. (See column 60, lines 22 and 51) Detecting and preventing tampering and piracy is different from the present

invention as recited in independent claims 1, 3-4 and 11.

It is respectfully submitted that the above cited section of Rabin, as well as other sections cited to allegedly show 'meeting a criterion of interoperability', such as column 3, lines 55-59 (cited on page 4 of the Final Office Action), column 27, lines 30-32 (cited on page 6 of the Final Office Action), and column 3, lines 47-53 (cited on page 9 of the Final Office Action), do not teach or suggest the present invention as recited in independent claim 1, and similarly recited in independent claims 3-4 and 11, where amongst other patentable elements, requires "verifying with said acceptance server using said information whether the configuration **meets a criterion of interoperability**" (emphasis added) using information about a new system component and the configuration of the existing system, where the information is sent to an acceptance server, which in turn returns an acceptance signal upon such verification of interoperability.

Accordingly, Appellants respectfully submit that the Examiner has failed to present a *prima facie* case of obviousness. Further, it is respectfully submitted that independent claims 1, 3-4 and 11 should be allowable, and allowance thereof is respectfully

requested. In addition, it is respectfully submitted that claims 2, 5-10 and 12-14 should also be allowed at least based on dependence from independent claims 1, 3-4 and 11, as well as for the separately patentable elements contained in each of the dependent claims.

In addition, Appellants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Appellants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

CONCLUSION

Claims 1-14 are patentable over Rabin. Thus the Examiner's rejection of Claims 1-14 should be reversed.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

By _____
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February 6, 2006

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By _____
Dicran Halajian

APPENDIX A

CLAIMS ON APPEAL

1.(Previously Presented) A method of protecting the integrity of a computer system, the method comprising:

- loading a new system component into a system with a computer;

- in response to said loading, sending information about said system component and a configuration of the system to an acceptance server via a remote communication network;

- verifying with said acceptance server, using said information, whether the configuration meets a criterion of interoperability;

- sending an acceptance signal from the acceptance server to the system with said computer via the remote communication network;

- qualifying operation of the system with said computer including the system component dependent on the acceptance signal.

2.(Previously Presented) A method according to Claim 1,

comprising:

- sending data that determines a computer program for controlling a controllable apparatus from the controllable apparatus to the system with said computer, when the controllable apparatus is coupled to the system with said computer via a local communication network;

- said system component being the computer program, the acceptance server being directed at verifying whether the computer program will execute in the configuration according to the criterion of interoperability;

- control of an operation of the controllable apparatus by the system with said computer with the computer program being qualified according to the acceptance signal.

3.(Previously Presented) A system with a computer, the system comprising:

- means for introducing a new system component into the system;

- an acceptance server;

- a remote communication network;

- an apparatus coupled to the acceptance server via the remote communication network, the apparatus being arranged to send information about said system component and a configuration of the system with said computer to the acceptance server via the remote communication network, in response to said loading;

- said acceptance server being arranged to verify, using said information, whether the information meets a criterion of interoperability and to send an acceptance signal to the system with said computer via the remote communication network;

- the apparatus being arranged to qualify operation of the system with said computer including the system component dependent on the acceptance signal.

4.(Previously Presented) An apparatus for use in a system with a computer, comprising

- the computer;

- an input for receiving a computer program for execution by the computer;

- a communication interface for communication to a remote acceptance server, the apparatus being arranged to send information

about the computer program and a configuration of the apparatus to the acceptance server and to receive an acceptance signal in response to said information, said acceptance server using said information to verify whether the configuration meets a criterion of interoperability, the apparatus being arranged to qualify execution of the computer program by the computer according to the acceptance signal.

5.(Previously Presented) An apparatus according to Claim 4 comprising a connection for connecting to a controllable apparatus, the connection comprising said input for receiving the computer program, the computer program being a program for controlling the controllable apparatus via the connection, the apparatus qualifying control of the controllable apparatus according to the acceptance signal.

6.(Original) An apparatus according to Claim 4, the information about the configuration identifying the type of an apparatus, said criterion including a sub-criterion for the compatibility of the apparatus, as identified by the information

about the configuration, and the computer program.

7.(Original) An apparatus according to Claim 4, the computer program being arranged to execute selectable ones of a plurality of functions, the acceptance signal comprising an identification of the acceptability of respective ones of the functions, said qualifying being selective for the respective functions.

8.(Original) An apparatus according to Claim 4, wherein said qualifying comprises disabling execution of a part or whole of computer program, as far as identified as unacceptable by the acceptance signal.

9.(Original) An apparatus according to Claim 4, wherein said qualifying comprises generating a warning signal to a user about the computer program or parts thereof when a user attempts to cause operation of computer program or the parts thereof and/or generating the warning signal upon any first user action after reception of the acceptance signal.

10.(Previously Presented) An apparatus according to Claim 4, the apparatus being arranged to enable unqualified execution of at least part of the computer program until the apparatus has received the acceptance signal received from the acceptance server.

11.(Previously Presented) A method of providing support for a system with a computer, the method comprising:

- providing an acceptance server coupled to a communication network;
- receiving information by the acceptance server about a configuration of the system with said computer and a new system component of that system with said computer via the communication network;
- checking with the acceptance server whether the information meets a criterion of interoperability;
- sending an acceptance signal back from the acceptance server to a source of said information, the acceptance signal signaling whether said criterion of interoperability is met.

12.(Previously Presented) A method according to Claim 11,

wherein the acceptance server is selectively reachable through the communication network using a network address, the network address being specific to a predetermined type of apparatus, or family of types of apparatuses, the criterion being specialized to said family.

13.(Previously Presented) A method according to Claim 11, wherein the new system component is a computer program, the information comprising at least part of a code of said computer program, the method comprising analyzing executable code with the acceptance server to determine whether its effect meets the criterion when executed by the system with said computer.

14.(Original) A method according to Claim 13, wherein the computer program is arranged to handle selectable ones of a set of events, the server determining handling which of the events meets said criterion, the acceptance signal particularizing which of the events are acceptable.

APPENDIX B

Evidence on Appeal

None

APPENDIX C

Related Proceedings of Appeal

None